REMARKS

Claims 1-38, 40-42 and 44-52 stand rejected. Claims 1, 4, 19, 33, 36, 38-40, 42-44, 47, 49 and 51 have been cancelled. Claims 2, 3, 6, 7, 10-13, 15-18, 20, 22-24, 27-29, 31, 32, 34, 35, 37, 41, 45, 46, 50 and 52 have been amended herein. Further, new claims 53-64 are presented herein. Therefore, claims 2, 3, 6-18, 20-33, 34, 35, 37, 41, 45, 46, 48, 50 and 52-64 are pending and at issue. Applicants respectfully request reconsideration of the rejections of the claims in view of the amendments and arguments presented herein.

Claims 1-38, 40-42 and 44-52 stand rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. Independent claims 1, 19, 36 and 40 have been cancelled herein. Applicants have introduced new independent claims 53, 60, 63 and 64. All dependent claims have been amended to depend from these new independent claims. The new independent claims are not directed to non-statutory subject matter such that this rejection should be withdrawn.

Claim 53 positively recites a system comprising a transaction facilitating computing device which generates a payment gateway. In an embodiment, the transaction facilitating computing device may be a separate server computing system (see reference numeral 1, figure 1 and associated description). See also page 11, lines 1 to 9, relating to an embodiment of the transaction facilitating computing device generating a payment gateway at the merchant network site. Note that the transaction facilitating computing device need not be a separate server computing system, it could be any type of computing system. It could be integrated with the financial institution computing system, for example.

The system also comprises an interface means which, in one embodiment, may be an agent application, which may be implemented by appropriate software and hardware (page 17, lines 8 to 11). The interface means controls the customer computer to provide the connection to the financial institution application.

Claim 53 is therefore clearly tied to a machine. Claims 60, 63 and 64 are similarly tied to a practical application of a machine in a method. Therefore, these new independent claims, as well as the dependent claims, are not directed to non-statutory subject matter such that this rejection should be withdrawn.

Claims 1-5, 7-22, 24-36, 40 and 44-52 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen, claims 6, 23, 37 and 41 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen and claims 38 and 42 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen in view of Mascavage. As discussed above, all of these rejected independent claims have been cancelled herein and replaced with new independent claims. Therefore, this rejection will be discussed with respect to those new independent claims.

New independent claim 53 recites the following features:

- A transaction facilitating computing device including a processor, memory and software which is arranged to generate a payment gateway accessible by the customer computing device at a merchant site generated by the merchant computing device, the payment gateway arranged to initiate a payment process for the customer computing device to control payment of a merchant account from a customer account via a financial institution computing device.

- An interface means which is arranged to control the customer computing device to connect the customer computing device to a financial institution application provided by the financial institution computing device, so that a security device may be provided by the connection caused by the interface means, to enable the financial institution computing device to process payment from the customer account to the merchant account without the security device being transmitted via the merchant network site and merchant computer.

In the conventional prior art for payment for on-line transactions (such as discussed on pages 1 and 2 of the present application), a customer shops, via a customer computing device, selects a product and pays for the product by providing secure payment details (such as credit card number) which the merchant subsequently processes to obtain payment for the transaction.

This conventional process has security problems. Payment details, such as credit card numbers, can be appropriated by unscrupulous merchants or other third parties (eg, hackers illegally accessing the transaction process). Consumers are reluctant to provide their secure payment details to unknown merchant sites.

In one form, as described in the present application, these security problems may be avoided. When a customer wishes to pay for an on-line product transaction, the gateway generated by the transaction facilitating computing device initiates a payment process by way of which the interface means redirects the customer computing device by connecting it to a financial institution application (eg an internet banking site). Secure payment details, such as credit card numbers, passwords, account details, etc, are provided to the financial institution application without having to go via the merchant network site or merchant computing device.

The merchant computing device therefore has no access to the secure payment details of the customer.

In embodiments, further advantages may also include:

- Payment can be processed in real time (such as recited in claims 2 and 3).
- A confirmation of payment can be generated directly to the merchant computing device via a secure connection between the financial institution computing device and the merchant computing device (such as recited in claims 5 and 6).
- The agent application can obtain data on transaction details from the merchant network site. For example, it can obtain a payment amount, a merchant account identifier and other details. It can automatically provide these details to the financial institution application (eg it can fill in the appropriate fields in the financial institution internet banking site). This reduces the chances of any mistakes being made if the details had to be filled in manually. It further automates and increases the efficiency of the payment process. See claims 7 and 8 and new claims 54 and 55.
- The financial institution application may be an already existing financial institution application such as an internet banking website. This reduces the infrastructure that is required by a system of the present invention – it can use already existing infrastructure and applications (such as recited in claim 10 and claim 46).
- The interface means can automatically obtain the security means from the customer computing device (eg automatically obtain a password from a digital store in the customer computing device) and automatically provide it the financial institution

application, further increasing automation of the process and reducing the chance for error. See claims 12, 13 and 14.

- The system also provides a database which stores a record of transactions which can be accessed by the merchant and/or customer. The interface means is arranged to automatically store the transaction details – see claims 15, 16 and 17 and 56.
- New claim 57 has also been added to the feature that the transaction facilitating computing system is arranged to download the interface means on initiation of the payment process. See page 7, lines 22 to 27 for support, and throughout the description.

For discussion of detailed operation of an embodiment, the Examiner is referred to the description and particularly pages 11 and 12 which give a detailed description of operation of the payment gateway and agent application embodiment.

Amendments have been made to the dependent claims for purposes of clarity and in accordance with the comments discussed above. Similar amendments have been made to the method claims and dependent claims based on claim 60.

Claims 63 and 64 relate to a system and process which enables the payment mechanism of the present invention to be applied in response to a "system message". The system message may, for example, be an email incorporating a bill for a customer to pay to a payee. The system message includes a element (eg a link) which causes the payment gateway of the transaction facilitating computing device to be connected. An interface means is then provided to connect the customer computing device to a financial institution application to complete the payment. Again, no secure payment details need be provided to any third party (eg the payee), and payment to the payee is automated and convenient.

It is respectfully submitted that the features of claim 53, 60, 63 and 64 and subsequent dependent claims are not disclosed or suggested by the prior art. Chen is directed to a system via which encrypted payment data must still pass through a merchant computing device. A malicious merchant can therefore store it and repeatedly submit it to the processer without the user authorizing it, for example. A single payment to the merchant has all the information required to make repeated transactions without the user's approval.

In the case of the present invention however, such as recited in the present claims, the merchant system is bypassed for payment initiation and secure payment information. Payment is carried out between the customer computing device and financial institution application.

Therefore, for the above reasons, the presently amended claims are patentable over Chen. Similarly, the presently amended claims are patentable over Chen in view of Mascavage.

Furthermore, Applicants have also considered the comments on page 5 of the Office Action, relating to sections of the applicant's previous claim that were considered to be "intended use" and have taken them into account when drafting the present claims. It is believed that the present amendments to the claims address these comments.

Applicants respectfully request reconsideration of the rejections of the claims and allowance of the case.

RECEIVED
CENTRAL FAX CENTER
NOV 12 2009

CONCLUSION

Should any formalities remain which may be addressed by Examiner amendments, the examiner is requested to contact by phone the undersigned attorney to expedite the prosecution of the present application.

If any fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351 as required. If such withdrawal is made, please indicate the attorney docket number (37388-405600) on the account statement.

Respectfully submitted,

By _____

Joseph H. Herron
PTO Reg. No. 53,019
Seyfarth Shaw LLP
Attorney for Applicant(s)
131 S. Dearborn Street
Suite 2400
Chicago, Illinois 60603
312-460-5000
312-460-7557 (fax)